

67010-072
PA-004.2715-USREMARKS

Claims 1-9, 11-20 and 22-29 are pending. Claims 11-20 were withdrawn from consideration. Claims 1-9 and 22-29 stand rejected under 35 U.S.C. 103(a) as being unpatentable. For the reasons set forth below, Applicant requests reconsideration of the Examiner's Final Rejection of these claims.

The Examiner rejected Claims 1-3, 5-9 and 22-29 under 35 U.S.C. 103(a) as being unpatentable over *Titterington, et al.* in view of WO 2004/086541 in view of *Fujii, et al.* The Examiner acknowledges that "neither Titterington et al. nor WO '541 expressly teaches that the volume is sized larger than the protrusion prior to insertion of the protrusion into the volume as recited in claim 1." [Final Office Action (11/17/08), p. 3]. In this regard, the Examiner seeks to supply this missing limitation with the teachings of *Fujii, et al.* Applicant argued against this combination stating first that the teachings of WO '541 and *Fujii, et al.* were incompatible with one another. [Response (5/9/08), p. 9]. First, Applicant argued that WO '541 shows rib 25 matching groove 30. Accordingly, welding of rib 25 to groove 30 results in fusing of materials not only at the bottom of groove 30 but along its sides. [Response (5/9/08), p. 9]. Expanding groove 30, as the Examiner suggests, would eliminate contact of ribs 25 with the sides of groove 30, thereby damaging the seal taught by WO '541 and destroying an object of the invention of WO '541. Indeed, WO '541 identifies the significance of "contact area between the mating ribs 25 and grooves 30." [WO '541, Para. 41, 48]. Reducing this contact area as taught by *Fujii, et al.* is against the teachings of WO '541. The cross-sections of *Fujii, et al.*, shown in Figs. 8, 9, 10 and 12, in fact, show gaps 41 that would hurt the seal of WO '541. Accordingly, *Fujii, et al.* teaches away from its combination with WO '541. This argument has not been addressed by the Examiner.

Second, Applicant contended that the vibration welding technique of WO '541 taught away from its combination with *Fujii, et al.*, which stresses the importance of not forcing the bonding agent out of groove 14. The Examiner responded to this argument by stating that other techniques for bonding were disclosed by WO '541, which the Examiner appears to contend are more compatible with the teachings of *Fujii, et al.* There is no indication that techniques, such as "heat lamination" or "hot bonding", would, in fact, be compatible with the "plastic package for an IC card" invention of *Fujii, et al.*, given the known sensitivity of both plastic and IC cards to heat.

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For at least these reasons, the combination of WO '541 and *Fujii, et al.* is improper. Applicant therefore requests allowance of Claim 1 and its dependents, Claims 2-9 and Claims 22-26.

As to Claim 27, the Examiner rejected this claim in view of Fig. 3d of WO '541 as modified by *Fujii, et al.* As explained above, the combination of WO '541 and *Fujii, et al.* is improper. Also, the combination of the references fail to teach a "tortuous path" as required by Claim 27. The Examiner suggests that WO '541 shows such a path in the z-direction. However, Claim 27 requires that the "third protrusion" extend into the volume so that "said first protrusion, said second protrusion and said third protrusion define a tortuous path." With reference to Fig. 3d, once ribs 25 are disposed in grooves 30, there is no "tortuous path," even in the z-direction. Instead, a seal is formed. [WO '541, para. 39]. Therefore, the combination does not teach a "tortuous path" in any direction.

The Examiner also seeks to add new references, which describe a "tortuous path." However, creating a "tortuous path" for a gas or fluid in the sealing area of WO '541 would defeat an object of WO '541, i.e. creating a seal using matched ribs and grooves. Accordingly, the addition of a "tortuous path" runs contrary to the teachings of WO '541. Therefore, Claim 27 and its dependents, Claim 28-29, stand in condition for allowance.

For the foregoing reasons, Applicant requests allowance of Claims 1-9 and 22-29.

Respectfully submitted,

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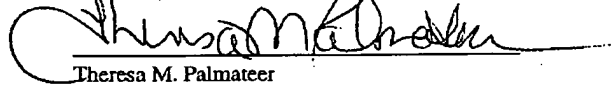
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I hereby certify that this Request for Reconsideration, relative to Application Serial No. 10/814,019, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on January 8, 2009.



Theresa M. Palmateer

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